



as uncontested. *See* E.D. Pa. L.R. 7.1(c) (providing that “[i]n the absence of timely response, the motion may be granted as uncontested”).

The remaining counts in the Complaint, Counts I, II, III and IV are state law claims. Additionally, the crossclaims and counterclaims filed in the action are also state claims. Accordingly, this Court must determine whether to exercise supplemental jurisdiction. Pursuant to 28 U.S.C. § 1367(c)(3), the “district courts may decline to exercise supplemental jurisdiction over a claim. . . if . . . [it] has dismissed all claims over which it has original jurisdiction.” “A district court’s decision whether to exercise that jurisdiction after dismissing every claim over which it had original jurisdiction is purely discretionary.” *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009). In deciding whether to exercise supplemental jurisdiction, the district courts should consider factors such as judicial economy, convenience, and fairness to litigants. *See United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966) (holding that “if these [factors] are not present a federal court should hesitate to exercise jurisdiction over state claims, even though bound to apply state law to them”). The United States Supreme Court has further advised that “if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well.” *Id.* Here, because all the federal claims are being dismissed before trial and this action was originally filed in state court and removed solely on the basis of federal question jurisdiction, the Court finds that it is in the interests of comity to decline to exercise jurisdiction.

A separate Order follows.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge